

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

- v -

OLEKSANDR DOROZHKO,

Defendant.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS this action was commenced on October 29, 2007;
and

WHEREAS on January 7, 2008 this court denied
plaintiff's motion for a preliminary injunction and
defendant's motion to dismiss and the action was then stayed
pending appeal; and

WHEREAS the Second Circuit vacated the denial of the
motion for a preliminary injunction and remanded the case
for proceedings consistent with the Circuit's July 22, 2009
opinion; and

WHEREAS the Securities and Exchange Commission ("SEC")
moved for summary judgment on February 1, 2010; and

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ORDER

07 Civ. 9606 (NRB)

WHEREAS defendant's attorney has affirmed in a submission dated March 11, 2010 that despite all reasonable efforts to communicate with the defendant, he has received no communication from his client and has accordingly submitted no opposition; and

WHEREAS the motion is properly made and supported as required under Fed.R.Civ.P. 56, see Vermont Teddy Bear Co., Inc. v. 1-800 Beargram Co., 373 F.3d 241, 244 (2d Cir. 2004); Amaker v. Foley, 274 F.3d 677, 681 (2d Cir. 2001), by the evidentiary record established at the initial preliminary injunction hearing of November 28, 2007, as well as by affidavits submitted in support of the motion; it is hereby


ORDERED that summary judgment be granted to the plaintiff; and it is further

ORDERED that defendant is permanently enjoined from violating Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5; and it is further

ORDERED that defendant shall fully disgorge his gains from his conduct at issue here, including \$286,456.59 in net profits from his trades in IMS Health put options and \$6,930.94 in prejudgment interest paid to his account at Interactive Brokers; and it is further

ORDERED that defendant shall also pay \$286,456.59 as a civil penalty.

Dated: New York, New York
March 23, 2010


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date to the following:

Attorney for Plaintiff

Carl A. Tibbetts, Esq.
Paul A. Gumagay, Esq.
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549

Robert B. Blackburn, Esq. (Local Counsel)
Securities and Exchange Commission
3 World Financial Center, Room 4300
New York, NY 10281

Attorney for Defendant

Charles A. Ross, Esq.
Charles A. Ross & Associates, LLC
111 Broadway, Suite 1401
New York, NY 10006